

FACTSHEET

TITLE: **PRE-EXISTING USE PERMIT NO. 3AA**, requested by Capitol Sign Co. on behalf of Westfield Shoppingtown (formerly Gateway), to amend the permitted signs on property generally located at 6100 "O" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/30/02
Administrative Action: 10/30/02

STAFF RECOMMENDATION: Approval of adjustments to the approved ground signs (1C, 1D and 1E); conditional approval of the 28 sq. ft. ground sign as an east entrance sign if located outside the sight triangles and no more than 25' into the front yard setback (1B); denial of the off-premise sign (1A); and denial of the pole sign which exceeds the allowed height and area requirement and is located in the front yard (4A).

RECOMMENDATION: Approval of adjustments to the approved ground signs (1C, 1D and 1E); conditional approval of the 28 sq. ft. ground sign as an east entrance sign if located outside the sight triangles and no more than 25' into the front yard setback (1B); approval of an adjustment to 1A if located on-premises; and denial of the pole sign (4A) (7-0: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Steward and Duvall absent).

FINDINGS OF FACT:

1. The staff recommendation as set forth above is based upon the "Analysis" as set forth on p.4, concluding that:
 - a) Signs 1C, 1D, and 1E are adjustments of approved ground signs and should be approved.
 - b) Sign 1B, a 28 square foot ground sign, may be an appropriate east entrance sign if located outside the sight triangles and no more than 25' (½ the distance) into the front yard setback.
 - c) Sign 1A is an off-premise sign and can not be approved under the current code. The existing sign further west on the "loop road" signs this street.
 - d) Sign 4A is the size of a small billboard, exceeds the allowed height and area requirement and is located in the front yard. There is no justification for this large sign at this location. A replacement ground sign or a pole sign that meets the B-5 requirements could be allowed.
2. The applicant's testimony is found on p.7. The applicant agrees to an adjustment to the location of sign 1A such that it becomes an "on-premise" sign. The requested pole sign, which at 50 feet in height and 250 square feet in area, exceeds the height and size limitations of the district, is a sign typically used by Westfield at most of their other shopping centers as the main identification sign.
3. There was no testimony in opposition.
4. The Planning Commission discussion is found on p.8.
5. On October 30, 2002, the Planning Commission agreed with the staff recommendation with amendment to Condition #1.1.2 to allow sign 1A as an on-premise sign. This recommendation denies sign 4A, which is the sign which exceeds the height and size of the district.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan and locations submitted on 12/17/02 are found on p.16-29.

FACTSHEET PREPARED BY: Jean L. Walker
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\2002\PEUP.3AA

DATE: December 30, 2002
DATE: December 30, 2002

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Pre-Existing Use Permit #3AA:

DATE: October 11, 2002

Scheduled Planning Commission hearing

October 30, 2002

****As Revised by Planning Commission: 10/30/02****

PROPOSAL:

Capitol Sign Co. for Westfield Shoppingtown has initiated a request to amend the permitted signs.

LAND AREA: 76.22 acres for the Gateway tract.

CONCLUSION:

- a) Signs 1C, 1D, and 1E are adjustments of approved ground signs and should be approved.
- b) Sign 1B, a 28 square foot ground sign, may be an appropriate east entrance sign if located outside the sight triangles and no more than 25' (1/2 the distance) into the front yard setback.
- c) Sign 1A is an off-premise sign and can not be approved under the current code. The existing sign further west on the "loop road" signs this street.
- d) Sign 4A is the size of a small billboard, exceeds the allowed height and area requirement and is located in the front yard. There is no justification for this large sign at this location. A replacement ground sign or a pole sign that meets the B-5 requirements could be allowed.

RECOMMENDATION:

Approval of 1C, 1D and 1E

Conditional Approval of 1B

Adjustment to sign 1A ~~Denial of 1A~~

Denial of 4A

(Per Planning Commission: 10/30/02**)**

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 233, Lots 213, 214, 232, and 257 Irregular Tracts and Lot 2 Gateway Terrace, all located in the south half of Section 21, Township 10 North, Range 7 East of the Sixth Principle Meridian, Lincoln, Lancaster County, Nebraska, further described in the attached legal descriptions.

LOCATION: Westfield Shoppingtown - Gateway, 6100 'O' Street

APPLICANT: Bill Patsios
Capitol Sign Co.
3421 N. 35th Street Circle
Lincoln, NE 68504
1-800-539-4464 or 1-800-339-4779

OWNER: Westfield Shoppingtown/ WEA Gateway LLC.
6100 "O" Street
Lincoln, NE 68505
(402) 464-9454

CONTACT: Bill Patsios
Capitol Sign Co.
3421 N. 35th Street Circle
Lincoln, NE 68504
1-800-539-4464

EXISTING ZONING: B-5 Planned Regional Business

EXISTING LAND USE: Shopping Center

SURROUNDING LAND USE AND ZONING:

North: Industrial and residential, zoned I-1, R-5 and R-6

South: Commercial uses, Lincoln Public Schools office and Elderly housing, zoned B-1, R-2, O-2 and R-6.

East: East Park Shopping Center, zoned B-5

West: Office and Commercial uses, zoned B-5 and H-2

ASSOCIATED APPLICATIONS: none

HISTORY: "Gateway" was zoned "G" Local Business and A-2 Residential in 1953. The original Gateway mall was completed in **1959**. In **1968** the balance of R-2 zoning was changed to "G" and "G-1" Planned Commercial. During the **1979** zoning update, this area was converted to "B-5" Planned Regional Business and designated as Pre-Existing Use Permit #3. Numerous amendments have been made since that date.

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as Commercial on the Lincoln/Lancaster County Land Use Plan, page F25. The Plan notes;

Regional Centers typically include a unique blend of commercial and other compatible land uses. Within this type of center, one may find retail shopping, restaurants, entertainment complexes, cultural and artistic institutions, offices, personal and business service facilities, and public institutions and governmental functions. The scale of such centers can offer a sense of place with a unique character or cohesive theme.

Many Regional Centers are large scale retailing centers that include a mall with several department store anchors and numerous small shops, as well as adjacent commercial development with stand-alone restaurants and stores, such as Westfield Shoppingtown Gateway or SouthPointe Pavilions. pg F 43

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented pg F49

Commercial and industrial districts in Lancaster County shall be located:

- so that they enhance entryways or public way corridors, when developing adjacent to these corridors pg F 37

UTILITIES: All present

TOPOGRAPHY: Drainage is toward Dead Mans Run to the north.

TRAFFIC ANALYSIS: “O” street is under reconstruction to a six lane facility. The Owner has some off-site responsibilities for this project, as agreed to in Resolution A-73294. Cotner Blvd and N. 66th Street also abut the site.

PUBLIC SERVICE: Full City services

REGIONAL ISSUES: Signs and City/Corridor image.

ENVIRONMENTAL CONCERNS: None

AESTHETIC CONSIDERATIONS: Visual Image

ALTERNATIVE USES: Signs per the code and previously approved

ANALYSIS:

1. This request of Westfield Shoppingtown-Gateway includes replacing and moving wall signs, interior directional signs and perimeter signs.
2. Signs 1C, 1D, and 1E are reposition/relocating 28 square foot that could be approved by Administrative Amendment.
3. Signs 1A and 1B propose two signs on 66th street, which exceeds the one sign abutting the perimeter provision and would require council approval. Both signs are in the 50' front yard setback and would not be allowed without council approval.

The proposed sign on “Q” street, 1A, is not on the applicants property or within this use permit and is thus an off-premise sign which is not permitted in the B-5 District.

4. Sign 4A is proposed to be a 50' high, 250 square foot in area, pole sign, in the front yard. The B-5 District allows one pole or ground sign, outside the front yard, up to 100 square feet in area

and up to the district height of 40'. A pole sign of this size and height exceeds those allowed at this location or for other businesses along "O" Street.

5. A continuing and successful effort is and has been made by the City to reduce the sign clutter on "O" Street.
6. The other B-5 Centers in the city do not have extra large pole signs, but have generally stayed with landscaped ground signs, as currently exist at Gateway.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1. Dimensioned approved sign locations, outside of site triangles.
 - 1.1.2. ~~The removal of~~ Adjustment to sign 1A to be on-premises and removal of sign 4A and revision of sign size and locations to meet zoning code. (****Per Planning Commission: 10/30/02****)
2. All terms and conditions of Pre-Existing Use Permit 3 shall apply unless specifically approved by this amendment.
3. This approval permits a revised sign plan for Pre-Existing Use Permit 3, Westfield Shoppingtown - Gateway

General:

4. Before receiving building permits:
 - 4.1 The construction plans shall comply with the approved plans.
 - 4.2 The Permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 All development and construction shall be completed in compliance with the approved plans.

- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.
 - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permitted, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Michael DeKalb, AICP
Planner

PRE-EXISTING USE PERMIT NO. 3AA

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 30, 2002

Members present: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn; Duvall and Steward absent.

Staff recommendation: Approval of adjustments to the ground signs; conditional approval of the ground sign in the front yard setback; and denial of the off-premise sign and small billboard.

Proponents

1. **Bill Blake**, 1045 Lincoln Mall, appeared on behalf of the applicant, **Westfield Shoppingtown**. This is a request for six signs to identify this property from the streets abutting the perimeter of Westfield Shoppingtown. Blake showed the locations on the monitor. The directional interior signs and wall signs do not require approval by the Planning Commission. The signs requiring approval by Planning Commission are listed as 1A through 1E--all monument signs; and 1B and 1C would both be double-faced.

1A is at the northeast corner of the Westfield property. There is an objection to that sign because it is not on the property owned by Westfield. Blake advised that the applicant will be submitting a letter to Planning and Building & Safety requesting that the location of sign 1A be moved to the west about 100' because then it will be on property owned by Westfield and would be a permissible sign at that location. The monument signs are all approximately 25 sq. ft. instead of the allowed 100 sq. ft., and all are about 5'9" tall.

The applicant agrees to move sign 1B as required by the conditions of approval.

Signs 1C, D and E have been included in this request but could have been done by administrative amendment. 1C had to be moved because of the city's O Street widening project.

Blake noted the staff objection to sign 4A, which is 50' tall, which is beyond the height limitations of the district. It is also 250 sq. ft., which is 150 sq. ft. beyond the 100 sq. ft. limit. This is the sign that Westfield has used for approximately 85% of its centers. It is the type of sign that they typically use for the main identification sign on their main frontage. 4A is the only non-monument sign and would be located on the Westfield property.

With regard to 4A, the pole sign, Carlson wondered whether the applicant is really worried that people won't know where Westfield/Gateway is located. He wondered whether a monument sign would be allowed at that location.

There was no testimony in opposition.

Staff questions

Carlson inquired whether a monument sign would be allowed where the pole sign is proposed. Mike DeKalb of Planning staff advised that they currently have a monument sign right next to this location. It is a 33 sq. ft. ground sign.

If the pole sign exceeds the height and size restriction of the B-5 district, Carlson wondered whether the City Council has the authority to waive those restrictions. DeKalb indicated that the City Council has authority to waive the area and height for ground and pole signs in use permit districts.

Carlson asked whether South Pointe has any pole signs. DeKalb advised that the only pole sign on any of the B-5 districts is the Target sign at Edgewood. All of the other signs for the centers are ground signs.

Newman noted that the applicant is offering to move sign 1A. How should this be reflected in the conditions of approval? DeKalb suggested that if this sign is moved to the west and made a ground sign, Condition #1.1.2 should be amended to read "...adjustment of sign 1A and removal of sign 4A...".

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

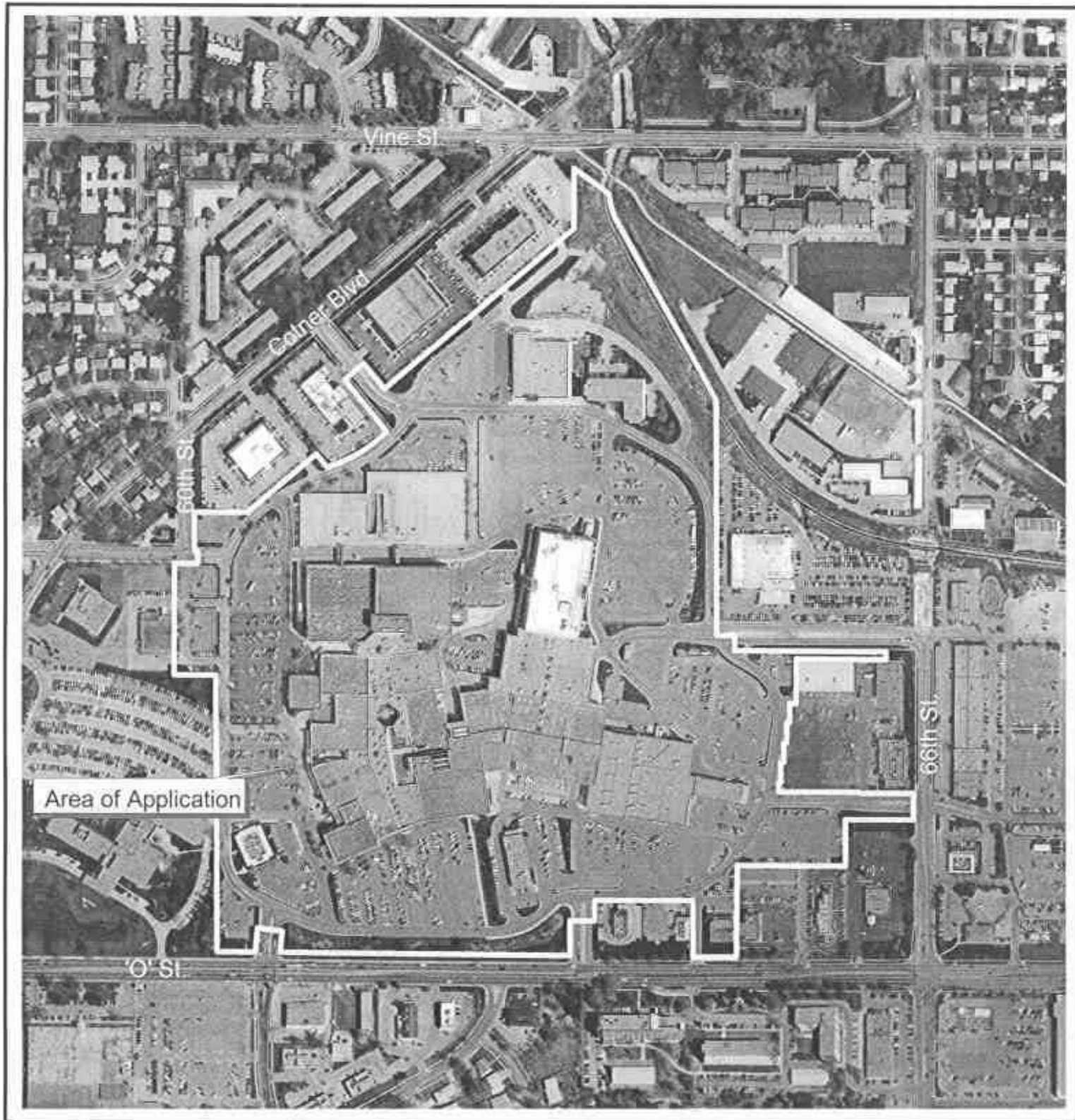
October 30, 2002

Newman moved approval of the staff recommendation of conditional approval, with amendment to Condition #1.1.2: "...adjustment of sign 1A and removal of sign 4A"..., seconded by Taylor.

Schwinn pointed out that this approves all of the signs requested, except the pole sign.

Newman does not believe the pole sign is necessary for identification of the center.

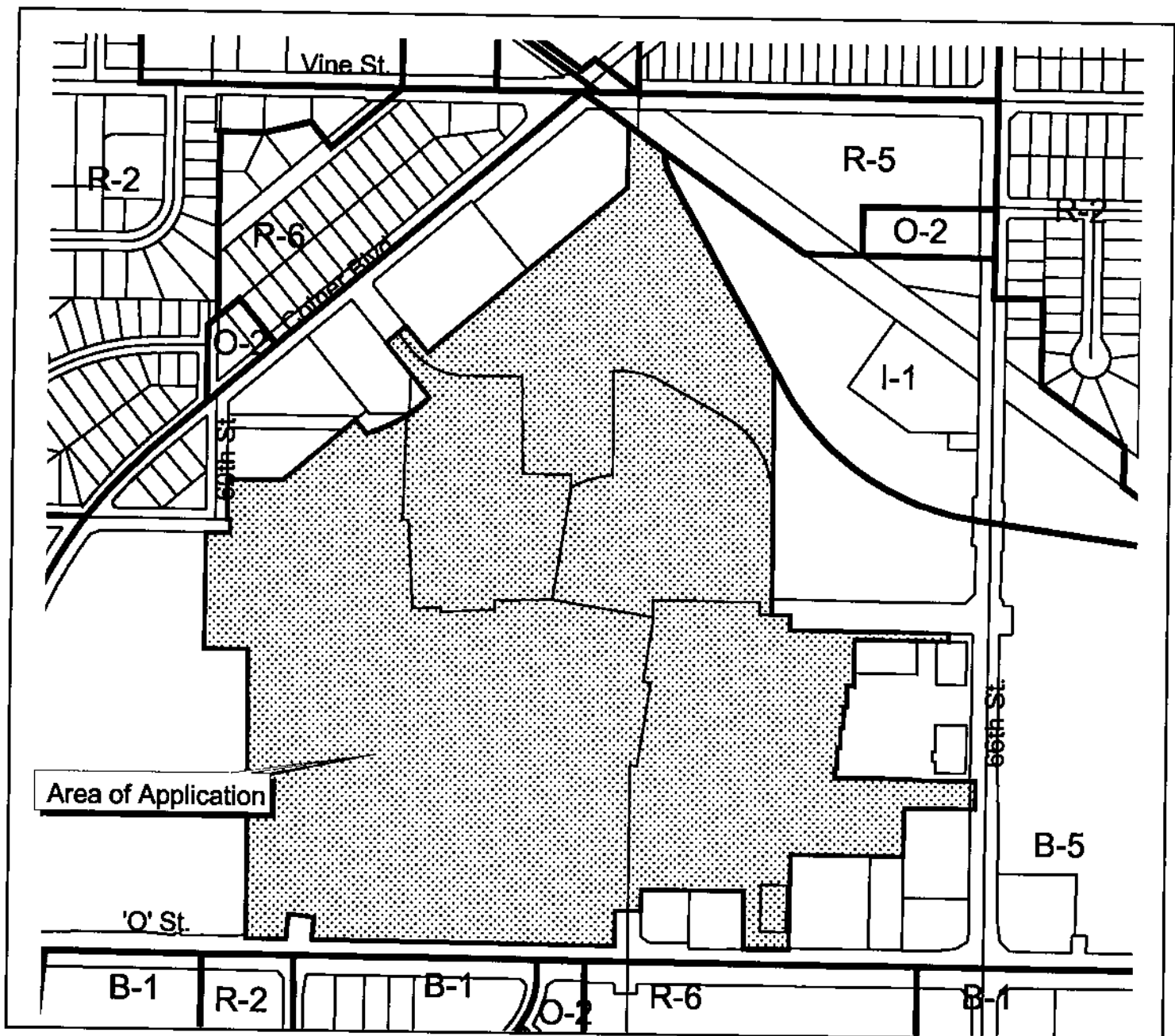
Motion for approval, with conditions, as amended, carried 7-0: Krieser, Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Duvall and Steward absent.



Pre-existing Use Permit #3AA
Westfield Shoppingtown
Cotner Blvd. & 'O' St.



009

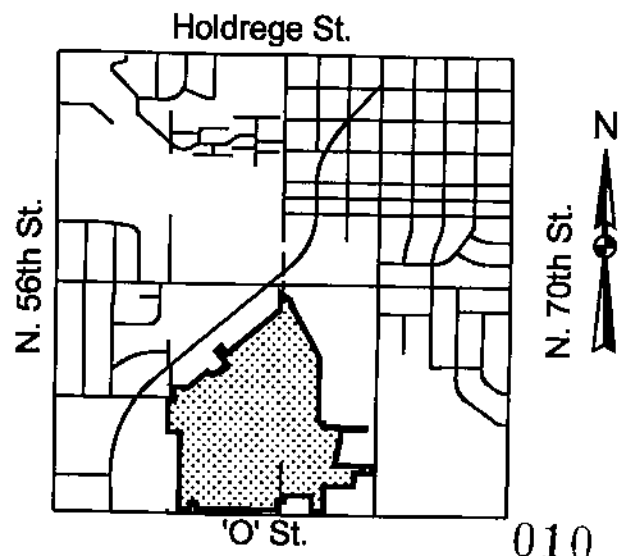
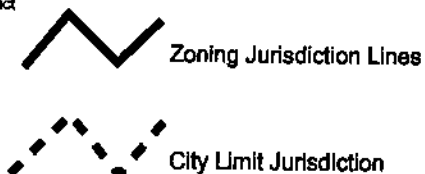


**Pre-existing Use Permit #3AA
Westfield Shoppingtown
Cotner Blvd. & 'O' St.**

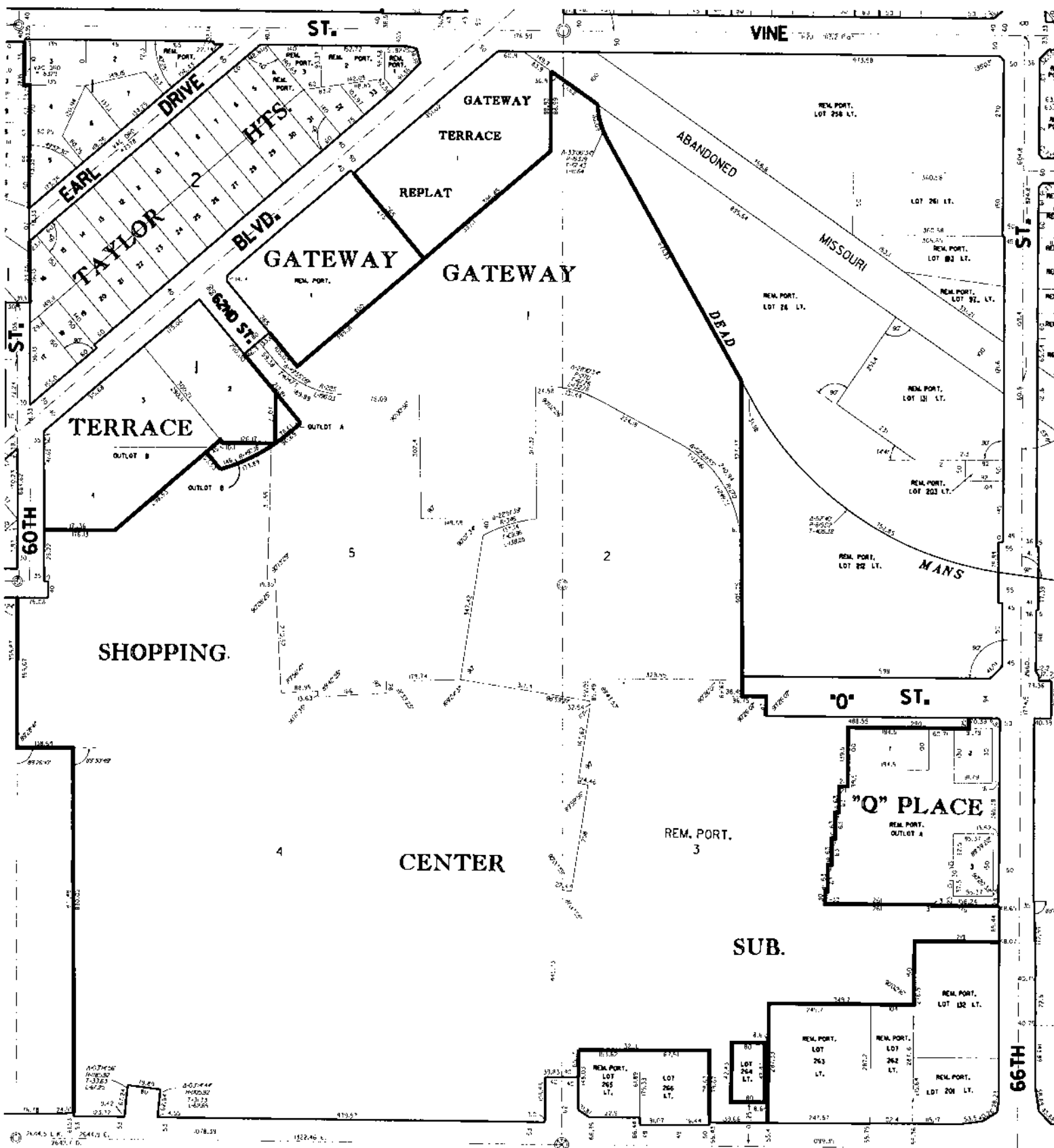
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 21 T10N R7E



010



2 SK15B 5/7/93
e's Restaurant

City Code	"Floor Area" With Exclusions
27,599	26,685
107,556	86,769
44,585	30,961
58,559	57,783
53,258	52,375
11,431	3,848
298,988	258,421
105,640	105,640
8,510	8,510
98,136	98,136
147,482	147,482
111,264	111,264
4,050	4,050
35,129	35,129
510,211	510,211
60,779	38,621
57,671	57,671
15,914	15,914
7,262	7,262
141,625	119,467
869,978	807,253
73,585	73,585
7,262	7,262

Floor Area or City Code	GLA
27,599	26,685
133,455	89,257
67,271	41,678
64,032	57,897
60,190	52,469
27,794	20,961
27,825	20,876
408,166	308,823
105,640	105,640
9,000	9,000
98,136	98,136
147,482	147,482
111,264	111,264
4,050	4,050
124,658	124,658
600,228	600,228
32,139	32,139
57,671	57,671
15,914	15,914
9,100	9,100
4,109	4,109
8,752	8,752
127,685	127,685
138,079	103,766
53,394	995,050

A tract of land composed of lot 257 I.T., Lot 214 I.T., Lot 213 I.T., and Lot 2 Gateway Terrace replat, all located in the S 1/2 of Section 21, Township 10 North, Range 7 East of the 6th. P.M. Lancaster County Nebraska, and is more particularly described as follows:

Commencing from the southwest corner of said Lot 257 I.T., said point also being the true point of beginning; thence, on an assumed bearing of N 00°02'06" E along the west line of said Lot 257 I.T. a distance of 899.97 feet; thence, N 89°27'29" W along the west line of said Lot 257 I.T., a distance of 138.58 feet; thence, N 00°00'00" W along the west line of said Lot 257 I.T., a distance of 355.60 feet to the northeast corner of Lot 256 I.T., said point also being on the south right-of-way line of "R" Street; thence, S 89°29'04" E along the south line of said "R" Street right-of-way a distance of 75.00 feet to the southeast corner of said "R" Street right-of-way; thence, N 02°48'14" E along the east line of said "R" Street right-of-way; thence, a distance of 40.00 feet to the northwest corner of said Lot 257 I.T., thence, N 89°29'04" W along the south line of said Lot 2 Gateway Terrace replat a distance of 10.00 feet to the southwest corner of said Lot 2, said point also being on the east line of North 60th Street right-of-way, thence, N 01°48'14" E along the east right-of-way line of said North 60th Street a distance of 125.03 feet to the southwest corner of Lot 4 Gateway Terrace, thence, S 87°59'44" E along the south line of said Lot 4 a distance of 171.26 feet to the south corner of said Lot 4; thence, N 48°27'06" E along the southeast line of said Lot 4 a distance of 298.52 feet to the northwest corner of Outlot "B" Gateway Terrace replat; thence, S 39°47'10" E along the southwest line of said Outlot "B" a distance of 53.42 feet to the southwest corner of said Outlot "B"; thence, on a curve to the left whose radius is 497.18 feet, a central angle of 25°56'43", an arc distance of 225.14 feet and a chord bearing of N 59°57'27" E to the east corner of Outlot "A" Gateway Terrace replat; thence, N 40°07'36" W along the east line of said Outlot "A" and Lot 2 Gateway Terrace a distance of 212.79 feet to the southeast corner of said 62nd Street right-of-way; thence, N 49°51'41" E along the southeast line of said 62nd Street right-of-way a distance of 79.89 feet to the southeast corner of said Lot 1 Gateway Terrace a distance of 104.99 feet to the southwest corner of said Lot 1; thence, N 49°59'30" E along the south line of said Lot 1 and Lot 1 Gateway Terrace replat a distance of 797.25 feet to the southeast corner of said Lot 1 Gateway Terrace replat; thence, N 00°04'23" E along the east line of said Lot 1 a distance of 188.17 feet to a point on the south line of the Missouri Pacific R.R. right-of-way; thence, S 54°58'27" E along the south line of said Missouri Pacific R.R. right-of-way a distance of 121.56 feet to the northeast corner of said Lot 213 I.T.; thence, on a curve to the left whose radius is 193.73 feet a central angle of 32°58'09", an arc distance of 111.48 feet and a chord bearing of S 13°30'57" E; thence, S 30°00'01" E along the east line of said Lot 213 I.T. a distance of 680.07 feet to the east corner of said Lot 213 I.T., thence, S 00°22'16" W along the east line of said Lot 213 I.T. a distance of 678.02 feet to the southeast corner of said Lot 213 I.T., said point also being on the north right-of-way line of "Q" Street; thence, N 89°39'35" W along the north right-of-way line of "Q" Street a distance of 368.00 feet to the northwest corner of said "Q" Street right-of-way; thence, S 00°20'39" W along the west line of said "Q" Street right-of-way a distance of 27.97 feet to the northeast corner of Lot 232 I.T., thence, N 89°39'35" W along the north line of said Lot 232 I.T. a distance of 64.62 feet to the northwest corner of said Lot 232 I.T., said point also being on the east line of said Lot 257 I.T.; thence, S 00°04'25" W along the east line of said Lot 257 I.T. a distance of 226.12 feet to the northwest corner of said Lot 214 I.T.; thence, S 89°55'35" E along the north line of said Lot 214 I.T. a distance of 63.34 feet to the northeast corner of said Lot 214 I.T.; thence, S 09°04'30" W along the east line of said Lot 214 I.T. a distance of 258.00 feet to the southeast corner of said Lot 214 I.T.; thence, N 89°55'35" W along the south line of said Lot 214 I.T. a distance of 22.47 feet to the southwest corner of said Lot 214 I.T. said point also being on the east line of said Lot 257 I.T.; thence, S 00°04'25" W along the east line of said Lot 257 I.T. a distance of 445.55 feet to a point on the north line of the east right-of-way stub; thence, S 89°53'39" W along the north line of said right-of-way stub a distance of 39.82 feet; thence, S 00°10'18" W along the west line of said stub, a distance of 105.54 feet; thence, on a curve to the right, whose radius is 23.00 feet, a central angle of 89°55'45", an arc distance of 36.10 feet and a chord bearing of S 49°38'01" W; thence, N 89°24'06" W along the north right-of-way line of "Q" Street a distance of 897.46 feet; thence, on a curve to the right whose radius is 23.00 feet, a central angle of 59°03'08", an arc distance of 23.75 feet and a chord bearing of N 59°49'32" W; thence, N 04°12'07" E along the west right-of-way stub a distance of 13.30 feet; thence, on a curve to the right whose radius is 1105.92 feet, a central angle of 03°14'42", an arc distance of 62.64 feet and a chord bearing of N 05°49'28" E to the northeast corner of said right-of-way stub; thence, N 82°33'20" W along the north line of said right-of-way stub a distance of 79.90 feet; thence, on a curve to the left whose radius is 1185.92 feet a central angle of 05°15'28" an arc distance of 67.43 feet and a chord bearing of S 05°47'10" W along the west line of said right-of-way stub; thence, S 04°09'26" W along the west line of said right-of-way stub a distance of 20.65 feet; thence, on a curve to the right, whose radius is 23.00 feet a central angle of 51°08'17", an arc distance of 20.53 feet and a chord bearing of S 65°01'45" W to a point on the north right-of-way line of said "Q" Street; thence, N 89°24'06" W along the north line of said "Q" Street right-of-way a distance of 104.92 feet to the TRUE POINT OF BEGINNING.

Said tract contains a calculated area of 62.35 acres more or less.

A TRACT OF LAND COMPOSED
LOCATED IN THE SE 1/4
LANCASTER COUNTY NEBRASKA
FOLLOWS:

COMMENCING FROM THE NE
ASSUMED BEARING OF N.89
233 I.T. A DISTANCE OF
THENCE S.0°20'25"W. A
DISTANCE OF 290.00', TH
THENCE N.89°39'35"W. A
DISTANCE OF 63.00', TH
THENCE S.0°20'25"W. A D
DISTANCE OF 9.00', THENC
N.89°39'35"W. A DISTANC
OF 63.00', THENCE N.8
S.0°20'25"W. A DISTANCE
OF 261.00', THENCE S.
S.89°39'35"E. A DISTANCE
SAID LOT 233 I.T., THENC
LOT 233 I.T. A DISTANCE
THENCE N.89°41'15"W. AL
DISTANCE OF 219.00' TO
S.0°21'05"W. ALONG THE
OF 150.06' TO THE NE CO
ALONG THE NORTH LINE OF
THE NW CORNER OF SAID LO
WEST LINE OF SAID LOT 19
THE NORTH ROW LINE OF
NORTH ROW LINE OF SAID
N.0°41'48"E. A DISTANCE
OF 320.81', THENCE S.0°
CORNER OF CONTROLLED AC
NORTH LINE OF SAID CONT
THE SW CORNER OF SAID LO
WEST LINE OF SAID LOT
S.80°55'35"E. ALONG THE
OF 22.47', THENCE N.9°04
I.T. A DISTANCE OF 258.
LINE OF SAID LOT 233 I.T.
ALONG THE ALONG THE WEST
226.12', THENCE S.89°39'
10283 A DISTANCE OF 64.6'
STREET, THENCE S.0°20'39
STREET A DISTANCE OF
LOT 233 I.T., THENCE S.89
233 I.T. A DISTANCE OF
TRACT CONTAINS A CALCULA

Total Site Area ±76.22

012

Sear's Parcel
LEGAL DESCRIPTION

REMAINING PORTION OF LOT 233 I.T.

at 214 I.T., Lot 213 I.T., and
the S 1/2 of Section 21, Township
Hastar County Nebraska, and is

A TRACT OF LAND COMPOSED OF THE REMAINING PORTION OF LOT 233 I.T.
LOCATED IN THE SE 1/4 OF SECTION 21, T10N, R7E OF THE 6TH PM
LANCASTER COUNTY NEBRASKA AND IS MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

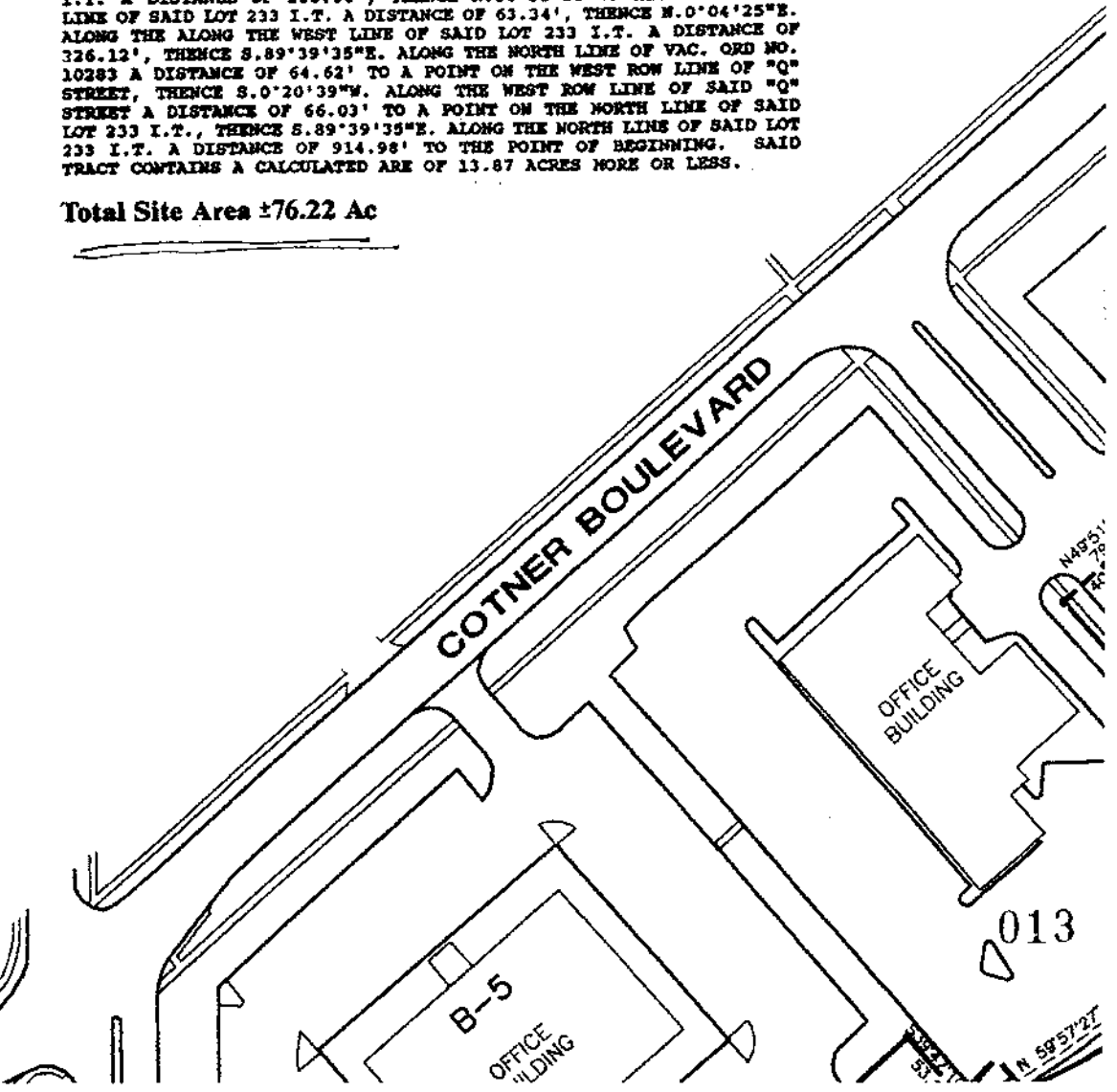
1 Lot 257 I.T., said point also
on an assumed bearing of
at 257 I.T. a distance of
a west line of said lot 257 I.T., a
"W along the west line of said lot
northeast corner of lot 256 I.T.,
-way line of "R" Street; thence,
"R" Street right-of-way a distance
id "R" Street right-of-way; thence,
R" Street right-of-way, a distance
id lot 257 I.T., thence,
Lot 2 Gateway Terrace replat a
ner of said Lot 2, said point also
right-of-way, thence,
line of said North 60th Street a
mer of Lot 4 Gateway Terrace,
if said Lot 4 a distance of
4; thence, N 48°27'06" E along the
298.52 feet to the northwest corner
a, S 39°47'10" E along the
a of 53.42 feet to the southwest
ve to the left whose radius is
an arc distance of 225.14 feet and
t corner of outlot "A" Gateway
the east line of said outlot "A"
1.79 feet to the southeast corner of
1" E along the southeast line of
79.89 feet to the southeast corner
40°06'18" E along the southwest
104.99 feet to the southwest
along the south line of said Lot 1
of 797.25 feet to the southeast
; thence, N 00°04'25" E along the
7 feet to a point on the south line
thence, S 54°58'27" E along the
right-of-way a distance of
Lot 213 I.T.; thence, on a curve
central angle of 32°58'09", an arc
of S 13°30'57" E; thence,
Lot 213 I.T. a distance of
213 I.T., thence, S 00°22'16" W
distance of 678.02 feet to the

COMMENCING FROM THE NE CORNER OF SAID LOT 233 I.T., THENCE ON AN
ASSUMED BEARING OF N.89°39'35"W. ALONG THE NORTH LINE OF SAID LOT
233 I.T. A DISTANCE OF 92.00' TO THE TRUE POINT OF BEGINNING,
THENCE S.0°20'25"W. A DISTANCE OF 25.00', THENCE N.89°39'35"W. A
DISTANCE OF 290.00', THENCE S.0°20'25"W. A DISTANCE OF 139.50',
THENCE N.89°39'35"W. A DISTANCE OF 21.00', THENCE S.0°20'25"W. A
DISTANCE OF 63.00', THENCE N.89°39'35"W. A DISTANCE OF 9.00',
THENCE S.0°20'25"W. A DISTANCE OF 63.00', THENCE N.89°39'35"W. A
DISTANCE OF 9.00', THENCE S.0°20'25"W. A DISTANCE OF 63.00', THENCE
N.89°39'35"W. A DISTANCE OF 9.00', THENCE S.0°20'25"W. A DISTANCE
OF 63.00', THENCE N.89°39'35"W. A DISTANCE OF 6.00', THENCE
S.0°20'25"W. A DISTANCE OF 30.00', THENCE S.89°39'35"E A DISTANCE
OF 261.00', THENCE S.0°20'25"W. A DISTANCE OF 3.00', THENCE
S.89°39'35"E. A DISTANCE OF 174.91' TO A POINT ON THE EAST LINE OF
SAID LOT 233 I.T., THENCE S.0°21'05"W. ALONG THE EAST LINE OF SAID
LOT 233 I.T. A DISTANCE OF 86.44' TO THE NE CORNER OF LOT 132 I.T.,
THENCE N.89°41'15"W ALONG THE NORTH LINE OF SAID LOT 132 I.T. A
DISTANCE OF 219.00' TO THE NW CORNER OF SAID LOT 132 I.T., THENCE
S.0°21'05"W. ALONG THE WEST LINE OF SAID LOT 132 I.T. A DISTANCE
OF 150.06' TO THE NE CORNER OF LOT 197 I.T., THENCE N.89°42'20"W.
ALONG THE NORTH LINE OF SAID LOT 197 I.T. A DISTANCE OF 349.53' TO
THE NW CORNER OF SAID LOT 197 I.T., THENCE S.0°23'11"W. ALONG THE
WEST LINE OF SAID LOT 197 I.T. A DISTANCE OF 290.62' TO A POINT ON
THE NORTH ROW LINE OF "O" STREET, THENCE S.89°25'32"W. ALONG THE
NORTH ROW LINE OF SAID "O" STREET A DISTANCE OF 139.00', THENCE
N.0°41'48"E. A DISTANCE OF 180.29', THENCE S.89°52'59"W. A DISTANCE
OF 320.81', THENCE S.0°04'25"W. A DISTANCE OF 65.17' TO THE NE
CORNER OF CONTROLLED ACCESS ROW, THENCE N.89°55'35"W. ALONG THE
NORTH LINE OF SAID CONTROLLED ACCESS ROW A DISTANCE OF 40.00' TO
THE SW CORNER OF SAID LOT 233 I.T., THENCE N.0°04'25"E. ALONG THE
WEST LINE OF SAID LOT 233 I.T. A DISTANCE OF 445.55', THENCE
S.80°55'35"E. ALONG THE WEST LINE OF SAID LOT 233 I.T. A DISTANCE
OF 22.47', THENCE N.9°04'30"E. ALONG THE WEST LINE OF SAID LOT 233
I.T. A DISTANCE OF 258.00', THENCE N.80°55'35"W. ALONG THE WEST
LINE OF SAID LOT 233 I.T. A DISTANCE OF 63.34', THENCE N.0°04'25"E.
ALONG THE WEST LINE OF SAID LOT 233 I.T. A DISTANCE OF
326.12', THENCE S.89°39'35"E. ALONG THE NORTH LINE OF VAC. ORD NO.
10283 A DISTANCE OF 64.62' TO A POINT ON THE WEST ROW LINE OF "Q"
STREET, THENCE S.0°20'39"W. ALONG THE WEST ROW LINE OF SAID "Q"
STREET A DISTANCE OF 66.03' TO A POINT ON THE NORTH LINE OF SAID
LOT 233 I.T., THENCE S.89°39'35"E. ALONG THE NORTH LINE OF SAID LOT
233 I.T. A DISTANCE OF 914.98' TO THE POINT OF BEGINNING. SAID
TRACT CONTAINS A CALCULATED ARE OF 13.87 ACRES MORE OR LESS.

Total Site Area ±76.22 Ac

d point also being on the north
S 89°39'35" W along the north
of 368.00 feet to the northwest
ence, S 00°20'39" W along the west
stance of 27.97 feet to the northeast
"W along the north line of said Lot
northwest corner of said Lot 232
ne of said lot 257 I.T.; thence,
Lot 257 I.T. a distance of
d Lot 214 I.T.; thence,
Lot 214 I.T. a distance of
Lot 214 I.T.; thence, S 09°04'30" W
distance of 258.00 feet to the
nce, N 80°55'35" W along the south
4.47 feet to the southwest corner of
the east line of said Lot 257 I.T.;
of said Lot 257 I.T. a distance of
of the east right-of-way stub;
of said right-of-way stub a
"W along the west line of said
on a curve to the right, whose radius
an arc distance of 36.10 feet and
N 89°24'06" W along the north
of 897.46 feet; thence, on a curve
central angle of 59°09'08", an arc
of N 59°49'32" W; thence,
stub a distance of 13.30 feet;
us is 1105.92 feet, a central angle
it and a chord bearing of
said right-of-way stub; thence,
right-of-way stub a distance of
whose radius is 1185.92 feet a
of 67.43 feet and a chord bearing
id right-of-way stub; thence,
right-of-way stub a distance of
it, whose radius is 23.00 feet a
of 20.53 feet and a chord bearing
right-of-way line of said "O" Street;
of said "O" Street right-of-way a
OF BEGINNING.

±2.35 acres more or less.



CAPITOL *Sign* co.

3421 N. 35th Street Circle • Lincoln, NE 68504 • Telephone (402) 466-7446 • FAX (402) 466-2157

October 3, 2002

Tom Cajka
5555 So 10th street
Lincoln, NE 68508

Re: Amendment to existing PEUP#3 Westfield Shoppingtown (formerly Gateway Mall)

Dear Mr. Cajka,

I would like to apply to amend PEUP#3 in behalf of Westfield Shoppingtown. The purpose of the amendment is to change the signage on the property due to the new name. Enclosed is a letter from building and safety that address the exact signs that need to go through the amendment process for approval.

I have enclosed twenty-one copies of a site plan, a certificate of ownership and a check for the amount of \$585.00.

If there is anything else that is required or if you have any question s please feel free to give me a call at 1-800-539-4464.

Sincerely,

Bill Patsios
Account Executive

Bill Patsios



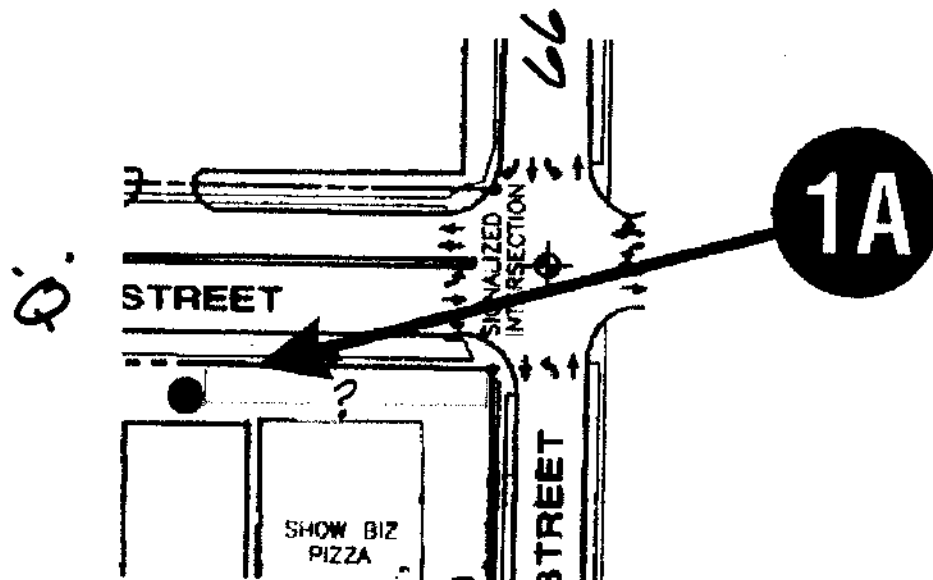


"Mark Hunzeker"
<MHunzeker@Pierson-
Law.com>

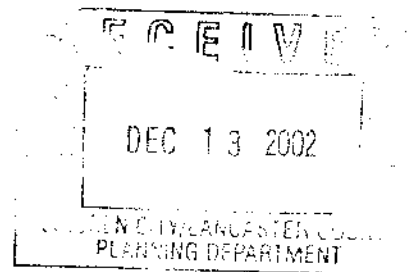
11/27/02 03:04 PM

To: "Mike Dekalb (E-mail)" <mdekalb@ci.lincoln.ne.us>
cc: "Jim Agliata (E-mail)" <jagliata@westfield.com>
Subject: Gateway signs

Mike: This is to confirm that we wish to proceed to the City Council without modifying the proposed pole sign along "O" Street.



SITE PLAN REFERENCE DETAILS

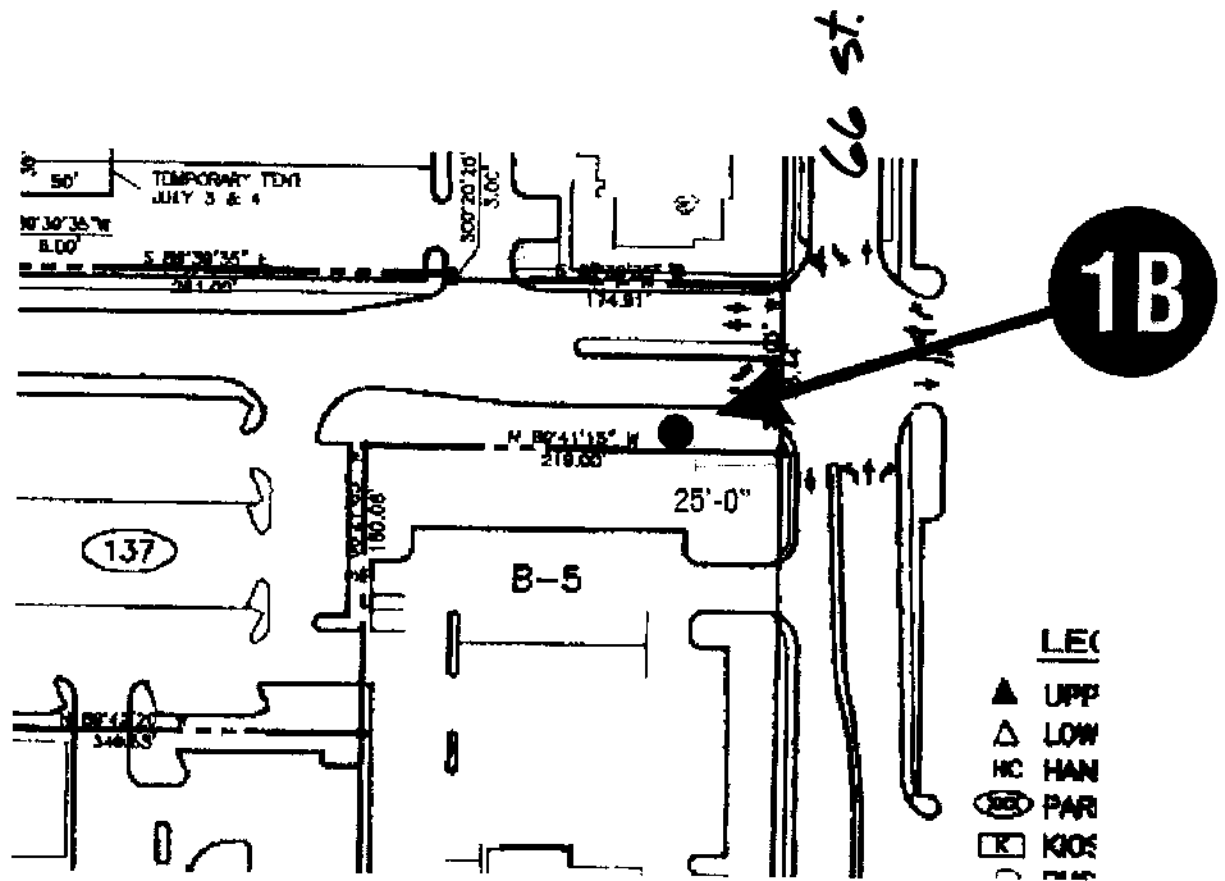


DEC 13 2002

PLANNING DEPARTMENT

017

12-17-02



SITE PLAN REFERENCE DETAILS

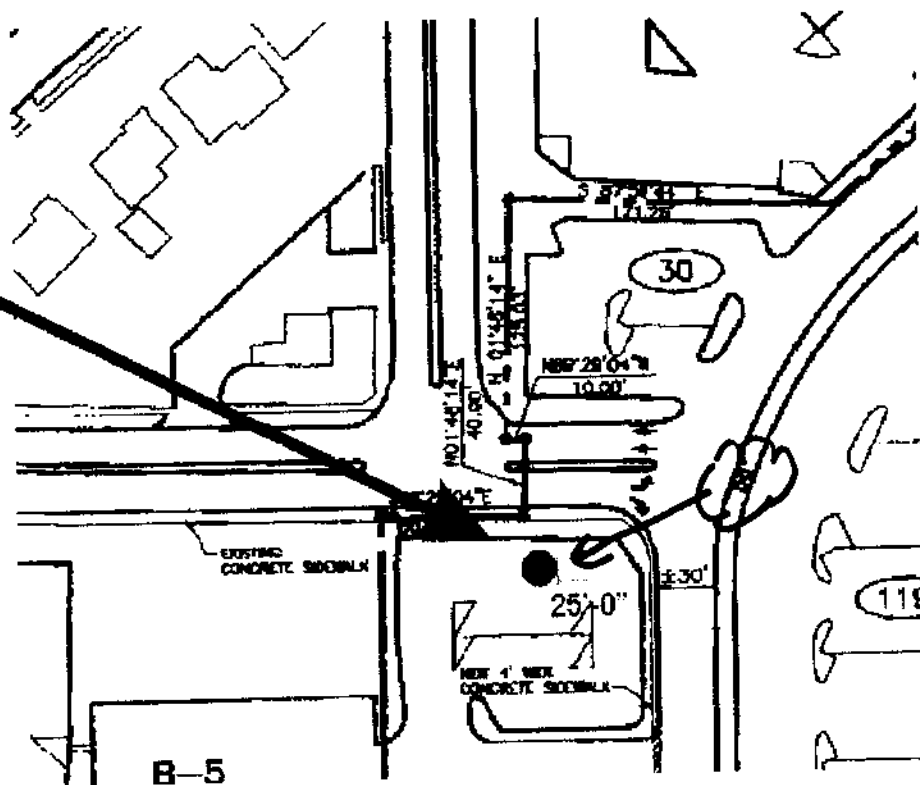
SITE PLAN REFERENCE

12-17-02 018



12-17-02 019

1D

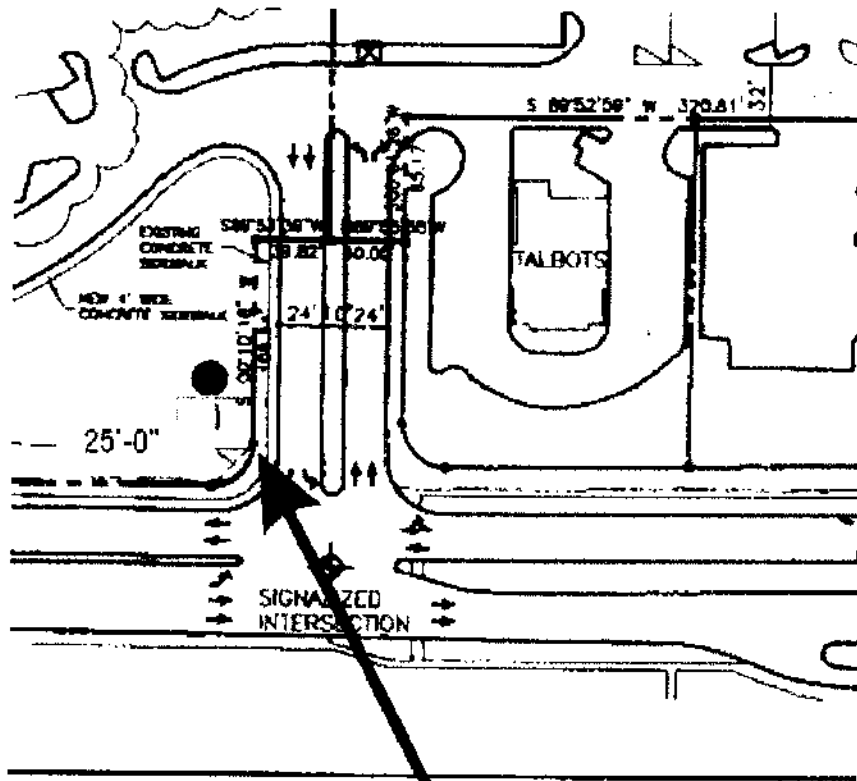


SITE PLAN REFERENCE DETAILS

SITE PLAN REFERENCE C

020

12-17-02



O' Street.

4A

SITE PLAN REFERENCE DETAILS

DEC 13 2002

CITY/LANCASTER CO.
PLANNING DEPARTMENT

DETAILS

12-17-02

022



AFTER

MONUMENT SIGN



BEFORE

MONUMENT SIGN

MONUMENT SIGN

MONUMENT SIGN

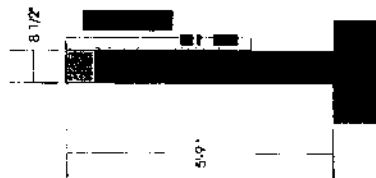
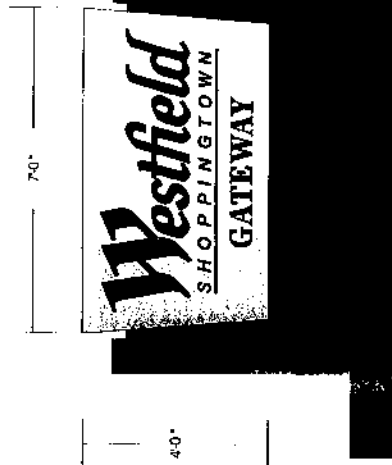
1 ASCE

NOTE: REFER TO SITE PLAN FOR LOCATIONS.
REFER TO PG 4 FOR MONUMENT SIGN SPECIFICATIONS.



12-17-02

023



1 ABCDE

CABINET: FABRICATED ALUMINUM W/ 125 FACES & 690 FILLERS.
PAINTED TM "BRUSHED ALUM" MAP 41-342 W/ CLEAR-COAT
SATIN FINISH. ALL FACE SEAMS, IF ANY, TO BE BUTT SEAMS.
FILLED, SANDED & BACKED W/ ALUM. ANGLE.
REVEAL TO BE PAINTED CM GRAY MP240067793 (AKZO RT 296).

*NOTE: THESE SIGNS TO HAVE FINISHED BACKS DUE TO VISIBILITY.
COPY: "WESTFIELD": ROUTE OUT FACE FOR 1" THICK WHITE 7328
PLEXIGLASS WITH LT TOM RED 3430-43 TRANSLUCENT VINYL APPLIED
TO FACE. INTERNALLY ILLUMINATED BY 5FT CLEAR RED NEON 1 1/2"
"SHOPPINGTOWN" & "MAINPLACE": ROUTE OUT FACE FOR 1/2"
THICK BLACK 2025 PLEX BRIGHT-RED WITH WHITE 7328 PLEX BEHIND.
INTERNALLY ILLUMINATED BY H.O. 800MA FL LAMPS.

OUTER SUPPORT COVERS: FABRICATED
ALUMINUM PAINTED GRAY TM
MP#240009973 SATIN (AKZO RT 296).
REVEAL / BASE CENTER SECTION:
FABRICATED ALUMINUM PAINTED TM DK
GRAY MAP 13A-1A WHITE (AKZO 493-H4).

*NOTE: SIGN MANUFACTURER TO VERIFY ALL
DIMENSIONS & CONDITIONS (VIA DETAILED
FOLLOW-UP SURVEY) PRIOR TO
COMMENCEMENT OF MANUFACTURING.

NOTES: ALL PROPOSED WORK IS SUBJECT TO APPROVAL FROM ALL GOVERNING
AGENCIES, IE, CITY, ETC. ALSO, ALL WORK IS SUBJECT TO ENGINEERING
VERIFICATION THAT EXISTING CONDITIONS ARE ADEQUATE TO SUPPORT
THE PROPOSED NEW SIGNAGE.

PRIMARY ELECTRICAL SERVICE TO BE PROVIDED - BY OTHERS.
PRIOR TO SIGN INSTALLATION, 120 VOLT TO WITHIN 6FT. OF SIGN LOCATION;
MUST BE ADEQUATE AND ACCESSIBLE FOR HOOK-UP TO SIGN.

ENGINEERING TO VERIFY THAT EXISTING CONDITIONS ARE ADEQUATE TO
SUPPORT PROPOSED NEW OR ADDED SIGNAGE.

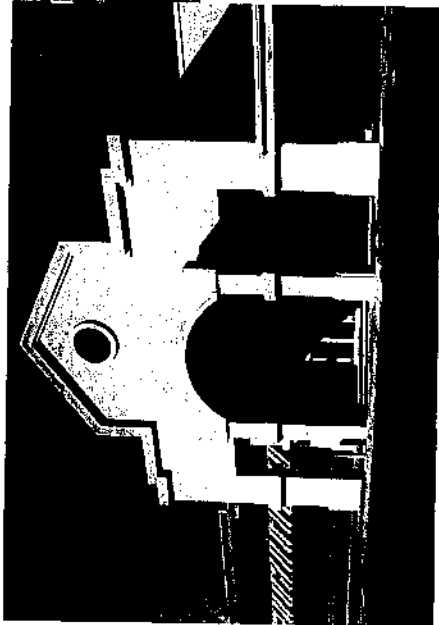
NOTE: REFER TO SITE PLAN FOR LOCATIONS.

ADDITIONAL	08.26.2007

GATEWAY
SIGNAGE PROGRAM

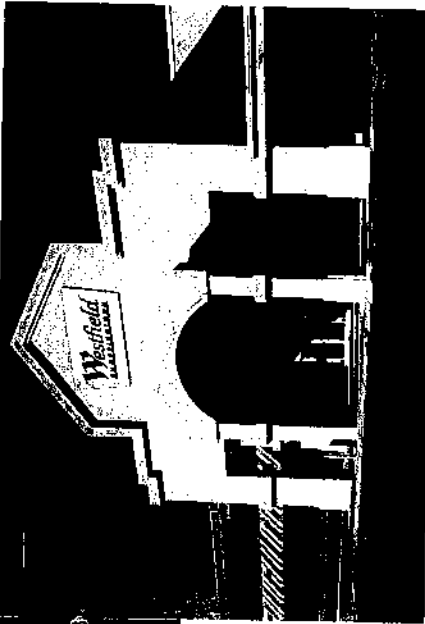
DATE: 12-17-02
REV: 04-08-2002

DESIGNED BY: [illegible]
ENGINEERED BY: [illegible]
CONSTRUCTED BY: [illegible]



BEFORE

SIDE ENTRY SIGN LOCATION



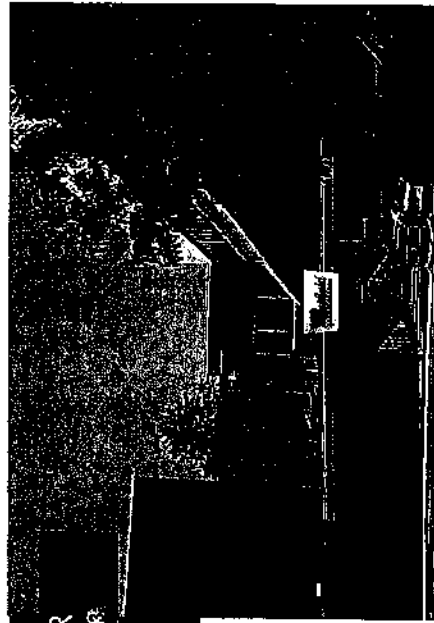
AFTER

SIDE ENTRY SIGN - TYPE 3 R



BEFORE

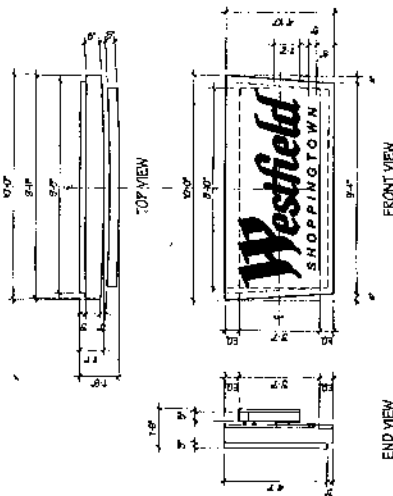
SIDE ENTRY SIGN LOCATION



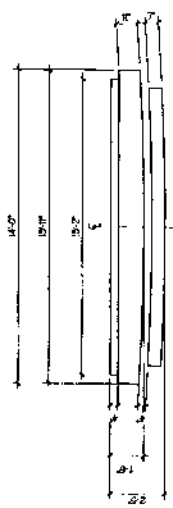
AFTER

SIDE ENTRY SIGN - TYPE 3 R

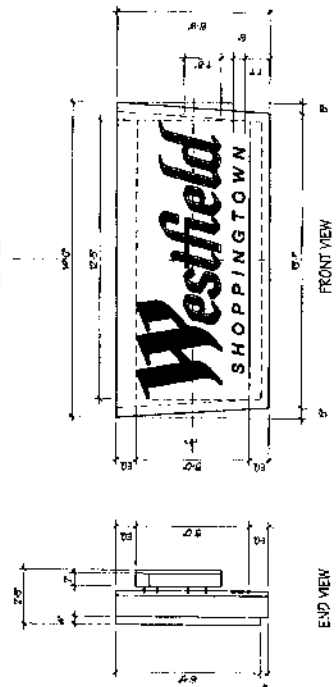
12-17-00



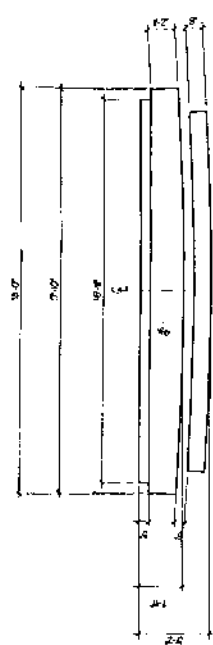
SIZE A



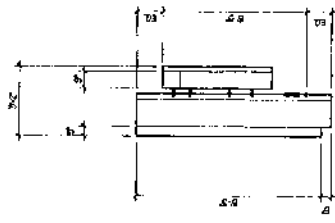
SIZE B



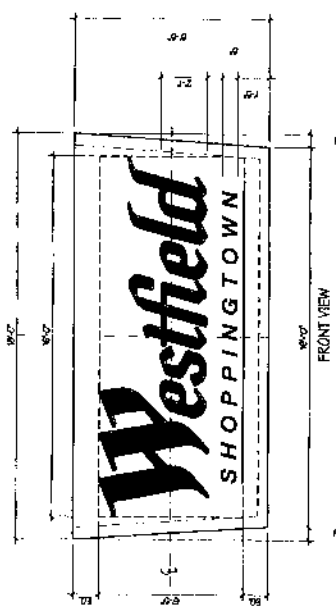
SIZE C



TOP VIEW



END VIEW



FRONT VIEW

MANUFACTURE & INSTALL NEW SIGN CABINET AS SHOWN.

CABINET: FABRICATED ALUMINUM W/ 1.25 FACES & 0.90 FILLERS. PNTD TM "BRUSHED ALUM" MAP 41-342 W/ CLEARCOAT SATIN FINISH. ALL FACE SEAMS, IF ANY, TO BE BUTT SEAMS, FILLED, SANDED & BACKED W/ ALUM. ANGLE.

REVEAL (BACK PORTION OF CABINET & MOUNTING HARDWARE) TO BE PNTD DK GRAY MP2400R793 (A/C/O 296) TO ENCLOSE TRANSFORMERS, BALLASTS, LAMPS AND ELECTRICAL WIRING.

TOP: "WESTFIELD" ALUM CHANNEL LBS W/ 5" DEEP RETURNS. RETURNS & TRIMCAP PNTD RED A/C/O 409 DA A/C/M/C. POLYURETHANE SATIN FINISH. WHITE ACTINOLIC FACES W/ LT TOM RED 9A30-43 TRANSLUCENT VNYL APPLIED TO FACE. INTERNAL ILLUMINATION BY CUT CLIP RED NEON "SIGN/LOGO". PGC-CLIP LBS 4" W/ PINS PNTD WHITE. "SHOPPING TOWN" & "MALL NAME" ROUT OUT FACE FOR 1/2" THICK BRONZE 2412 PLEX PUSH THROUGH W/ WHITE 7528 FLEX BEHIND. INTERIOR ILLUMINATION BY H.O. 800WA FL LAMPS.

INSTALLATION BRACKETS & HARDWARE METHOD OF ATTACHMENT - T.B.D. CONNECTION DETAILS TO BE ENGINEERED.

NOTES: SIGN MANUFACTURER TO VERIFY ALL DIMENSIONS & CONDITIONS (VIA DETAILED FOLLOW-UP SURVEY) PRIOR TO COMMENCEMENT OF MANUFACTURING.

PRIMARY ELECTRICAL SERVICE TO BE PROVIDED - BY OTHERS. PRIOR TO SIGN INSTALLATION AT 120 VOLT TO WITHIN 5 FT. OF SIGN LOCATION, MUST BE ADEQUATE AND ACCESSIBLE FOR HOOK-UP TO SIGN.

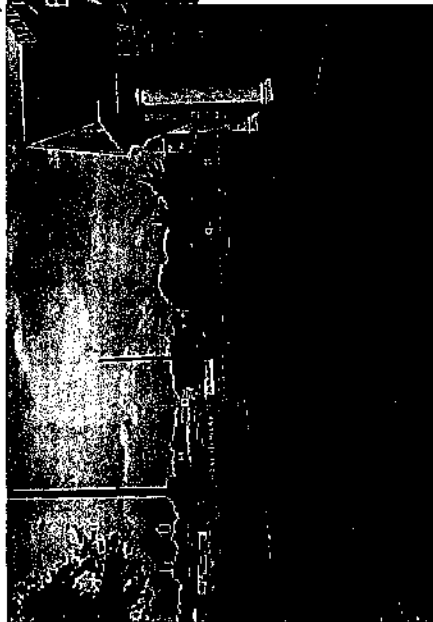
ALL PROPOSED WORK IS SUBJECT TO APPROVAL BY ALL GOVERNING AGENCIES (I.E. CITY, ETC.). ALSO, ALL WORK IS SUBJECT TO ENGINEERING REIFICATION THAT EXISTING CONDITIONS ARE ADEQUATE TO SUPPORT THE PROPOSED NEW SIGNAGE.

A DEDICATED CIRCUIT WITH NO SHARED NEUTRALS AND A GROUND RETURNING TO THE PANEL IS REQUIRED FOR ALL INSTALLATIONS.

NOTE: REFER TO SITE PLAN FOR LOCATIONS.

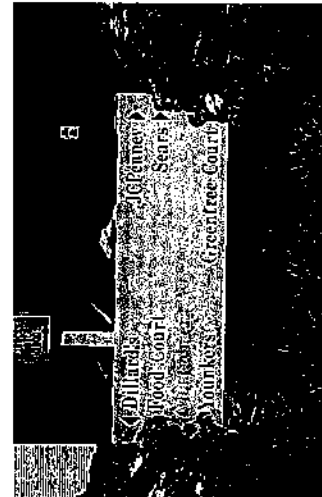
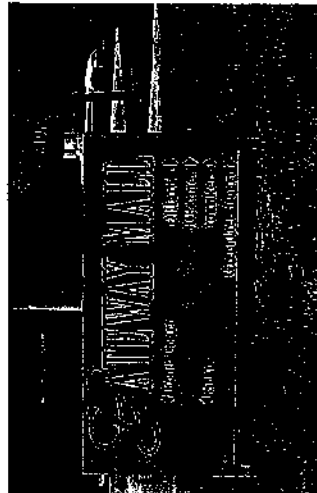


12-17-02



4A

- ⑤ a,b,c,d,e,f WAYFINDING SIGN LOCATIONS
- REMOVE ALL EXISTING WAYFINDING SIGNS AND REPAIRS TO EXISTING WAYFINDING SIGNS. REFER TO PG 9 FOR SPECIFICATIONS.

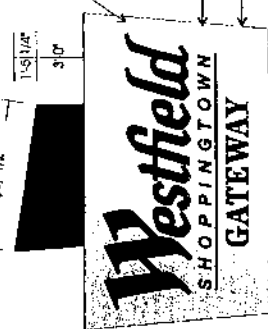
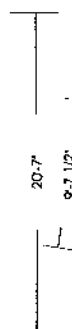


12-17-02

NOTE: REFER TO SITE PLAN FOR LOCATIONS.
REFER TO PG 9 FOR Pylon SIGN SPECIFICATIONS.

NOV 19 2002





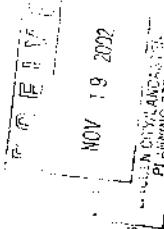
"WESTFIELD" COPY IN RED CHANNEL LETTERS W/ WHITE ACRYLIC FACES HAVING LT. TONATO RED #3630-4-SHIFT SURFACE APPLIED TRANSLUCENT 3M VINYL OVERLAY. ILLUMINATE FACES W/ CLEAR RED, DOUBLE-TUBE NEON (5' O.C.) AND TO BE PEG MOUNTED. OFF FACE SURFACE W/ MULTIPLE PINS @ 4". (PANT EXPOSED PINS WHITE) LETTER RETAINERS AND RETURNS TO BE PAINTED RED 459-C-4 AZZO COLORMAP POLYURETHANE SATIN FINISH.

"SHOPPING TOWN" & WALL NAME SHALL BE ROUTED, PUSH-IN, ILLUMINATED LETTERS USING 1/2" BRONZE 2412 PLEX BACKED. W/ 7308 WHITE, ILLUMINATED INTERNALLY W/ 800MA FLUORESCENT LAMPS.

ALUMINUM FABRICATED SUPPORT COVER PAINTED SATIN FINISH AZZO COLORMAP POLYURETHANE TO MATCH MATTHEWS PAINT # MP2409010973 GRAY

NOTE: MANUFACTURE THE CABINET AS A SIPOVER TYPE FRAME CONSTRUCTION. VERIFY THE REQUIRED SUPPORT SIZE PRIOR TO FABRICATION. 125 ALUMINUM FABRICATED MAIN I.D. FACES W/ D90 ALUM. FILLER, PAINTED TO MATCH MATTHEWS #41-342 VOC 281-342 BRUSHED ALUM. W/ CLEARCOAT SATIN FINISH. ALL SEAMS ON FACES TO BE BUT SEAMS FILLED, SANDED & BACKED W/ ALUMINUM ANGLE.

Sign 4A



NOTE: REFER TO SITE PLAN FOR LOCATIONS

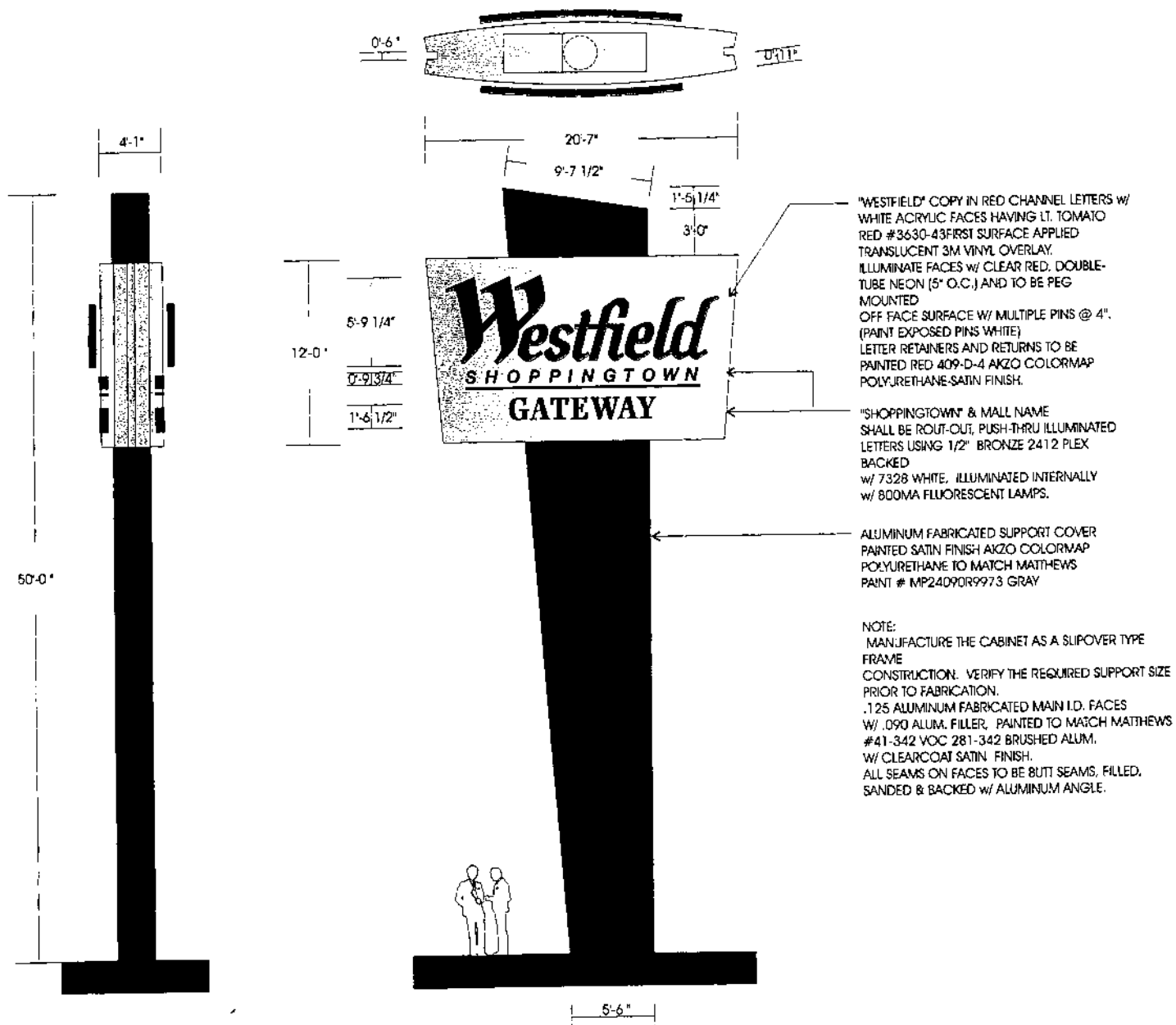


5'-0"

GATEWAY SIGNAGE PROGRAM

SIGN TYPE: 0 Pylon Sign

DATE: 04/01/02



Mike J Petersen

12/16/02 02:20 PM

To: Michael V Dekalb/Notes@Notes

cc:

Subject: Westfield Shoppingtown Gateway Signs (revised)

Mike,

The following is a list of my comments regarding the revised sign package for Gateway. Of course it is always my hope that we agree on these matters. Let me know if we don't.

Sign #1A: As I stated in my Sept 5th letter to the mgmt of Gateway, this sign would not be permitted except by

council modification. Per section 27.69.060(c) this sign can only be located along a public street at the

perimeter of the district.

Sign #1B Same comments as sign #1A (this would also be a 2nd sign along the street frontage)

Sign #1C This sign would be permitted to identify the entire commercial area only with a max area of 100 sf and a

max height of 40 ft. (unless council modifies) The sign would not be permitted in the front yard per section

27.69.030(d) (unless council modifies)

Sign #1D Same comments as sign #1A

Sign #1E Same comments as sign #1A

Sign #4A Same comments as sign #1C (this would also be a 2nd sign along the street frontage)

Thanks Mike, call me if you have any questions or comments. -Mike P.

Lincoln



Nebraska's Capital City

Sept. 5, 2002

Westfield Shoppingtown Gateway
6400 'O' Street Suite #5
Lincoln, NE 68505

Attn: Jim Agliata/Scott Vyskocil

Re: Site Signage

Dear Jim:

The following is an itemized breakdown of procedures for installing signs at Westfield Shoppingtown Gateway based on the design you submitted on August 22nd.

- Sign #1a: In the B-5 district, this sign would not be permitted. Only (1) pole or ground sign is permitted on each street frontage abutting the perimeter of the district. This sign is not located at the perimeter of the district. An amendment to pre-existing use permit #3(PEUP3) would be required. Note: this sign doesn't appear to be on Westfield property. (Provide a legal description)
- Sign #1b: Same notes as Sign #1a (except this appears to be on Westfield property)
- Sign #1c: This sign would be permitted as long as it was approved as part of the PEUP3.
- Sign #1d: Same notes as Sign #1a (except this appears to be on Westfield property)
- Sign #1e: Same notes as Sign #1a (except this appears to be on Westfield property)
- Sign #3a: Since it appears that this sign cannot be viewed from off-premise, no permit is required.
- Sign #3b,c,d: Sign is less than 30% of wall face, therefor is permitted by right.
- Sign #4a: In the B-5 district, only (1) pole or ground sign is permitted on each street frontage abutting the perimeter of the district. This sign, along with sign #1c is indeed along the street frontage abutting the perimeter of the district, but you would have to choose which sign you want, or ask city council for a modification to the PEUP3. Pole signs cannot exceed 40 feet in height and 100 SF in area.

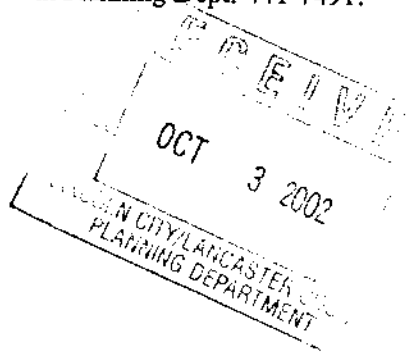
Please call me at 441-6445, if you have any questions. For information regarding cut-off dates and procedures for doing an amendment to the PEUP, contact Ray Hill in Planning Dept. 441-7491.

Respectfully,

Mike Petersen, Plans Examiner

pc: Mike Merwick, Director
Dale Stertz, Chief Plans Examiner
Chuck Zimmerman, Manager Building Services

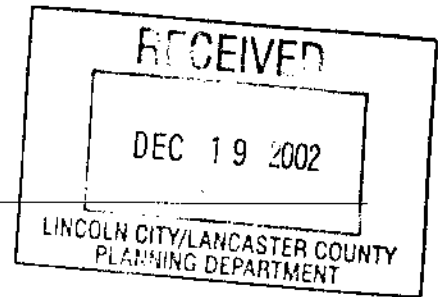
F:\files\kreja\misc\westfieldsigns



031

Building and Safety Department / Mike Merwick, Director / 555 South 10th Street / Room 203 / Lincoln, Nebraska 68508
Phone: 402-441-7521 / Fax: 402-441-8214 / Email: bldgsafe@ci.lincoln.ne.us / Website: www.ci.lincoln.ne.us

M e m o r a n d u m



To: Mike DeKalb, Planning Department
From: Charles W. Baker, Public Works and Utilities *CBH*
Subject: Gateway/Westfield Mall Signs
Date: December 18, 2002
cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the revised sign locations for Gateway/Westfield Mall. The sign locations are satisfactory and will not be in the sight triangles. Public Works only comment is to note the dimensions of the location on sign 1 A.



INTER-DEPARTMENT COMMUNICATION

DATE October 11, 2002

TO Mike DeKalb, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #1N-61E

Attached is the Site Plan for Westfield Shopping Town (formerly Gateway Mall).

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will offer no objections to the amendment to change the signage on the property.

It should be noted, all easements are to be retained as shown on "Gateway Shopping Center Subdivision Administrative Plat," December 30, 1993.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

ST/ss
Attachment
c: Terry Wiebke
Easement File

